

Executive Summary

ISSUE/ACTION: Freedom of Information Act Request EPA-HQ-2016-009337

- What is the action? Freedom of Information Act Request (FOIA) EPA-HQ-2016-009337
- Provide background/history of the action/issue? FOIA request was submitted through the Agency FOIA system, FOIAonline, on August 11, 2016, from Ms. Rachel Johnson of FOI Services. The requester is seeking a copy of all documents pertaining to the retention agreements or contracts with Mr. Andrew Michaski or Michalski & Associates. A Helpdesk ticket was created to search Datamart for any purchase orders, task orders, or contracts that might have been awarded to the above-mentioned individual or company. One order was identified in Datamart.

The FOIA case was reassigned to Region V. Region V stated that it was not one of their orders and reassigned it back to Headquarters. Based on the record retention schedule, the purchase order number should have been destroyed. It was a simplified acquisition for consulting services, and the retention schedule is one year for an inactive file after final payment is made. The fee category for this FOIA request is classified as "Commercial"

- When is the action due and to whom? The FOIA response is due on September 23, 2016.
- What prompted this action/issue? A FOIA request was submitted by Ms. Johnson through the Agency FOIA system, FOIAonline. The request was assigned to OARM, and the Liaison/FOIA Coordinator, Ms. Lauren Lemley, assigned it to OAM for processing.
- Include as an attachment any related correspondence: Executive Summary and final response letter

ASSUMPTION(S):

- What are your assumptions and what is the logic behind them? There are no records. However, a copy of the FAR Part 4.85 Storage, Handling, and Disposal of contract files and the EPA Contract Records Retirement Notice is provided for the requester's review. Peer review of the documents was performed by Mr. Kirk Marusak.

APPROACH:

- What is your plan of action or approach to resolve or address the action/issue? A search of the Agency acquisition system, Datamart, was performed. It resulted in locating one purchase order, which was for consulting services. The FOIA case was reassigned to Region V. However, Region V stated that it was not one of their procurement numbers. Region V reassigned it back to Headquarters to provide a response. The response letter was forwarded to Mr. Kirk Marusak for peer review. The final response letter will be uploaded into FOIAonline upon the signature of Division Director John Oliver.

- What is the impact on current OAM policy guidance? No impact.
- What is the benefit or value of taking this action? OAM will be in compliance with FOIA regulations.
- Current Status of Issue/Action? Waiting upon the signature of Mr. Oliver

STAKEHOLDER:

- Who are the stakeholders that are involved in this action/issue, i.e., OMB, Congressional, IG, GAO, etc.? EPA Headquarters FOIA Office, OARM, OAM, OGC, the contractor and the FOIA requester.
- Did you engage them in the action/issue, i.e., did they review the product, were there meetings held, etc.? NO. Please provide a spreadsheet to disposition all comments.

POINT OF CONTACT:

- Name of person and office [Please include an alternate]: Mildred Jackson at (202) 564-4359 or Kirk Marusak, Government Information Specialist, at (202) 564-4493.

LIST OF ATTACHMENTS:

1. Attachment 1 – Final response letter EPA-HQ-2016-009337
2. Attachment 2 – Incoming FOIA request EPA-HQ-2016-009337
3. Attachment 3 – Datamart Report
4. Attachment 4 – Federal Acquisition Regulation Part 4.85 Storage, Handling, and Disposal of contract files
5. Attachment 5 – EPA Contract Records Retirement Notice